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FREESCALE SEMICONDUCTOR, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MEDIATEK INC.,

Plaintiff,

v.

FREESCALE SEMICONDUCTOR, INC.,

Defendant.

Civil Action No. 4:11-cv-05341 (YGR)

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
STIPULATED REQUEST TO
EXTEND THE DEADLINE FOR
DISPOSITIVE AND DAUBERT
MOTIONS BY 3.5 HOURS**

Hon. Yvonne Gonzalez Rogers

1 I, Michelle Yang, declare as follows:

2 I am an attorney with the law firm of Morrison & Foerster, LLP, counsel for Defendant
3 Freescale Semiconductor, Inc. (Freescale) in the above-captioned matter. I submit this
4 declaration in support of the parties' Stipulated Request to Extend the Deadline for Dispositive
5 and Daubert Motions by 3.5 Hours (Stipulated Request). I have personal knowledge of the facts
6 set forth in this declaration and, if called to testify as a witness, could and would do so
7 competently.

- 8 1. On Tuesday, November 5, 2013, I oversaw the electronic filing of Freescale's
9 Motion to Exclude the Testimony of Catherine M. Lawton (and Stipulated
10 Administrative Motion to File Documents Under Seal) and its Motion for
11 Summary Judgment (and Stipulated Administrative Motion to File Documents
12 Under Seal) (collectively, "Motions") by Ms. Tori Thomas. The Motions were
13 ready for filing before the November 5, 2013 deadline.
- 14 2. Ms. Thomas informed me that she had logged in to the Case
15 Management/Electronic Case Filing system ("CM/ECF") for the U.S. District
16 Court, Northern District of California at 11:16 p.m. PT and immediately began
17 filing the Motions.
- 18 3. Starting at 11:40 p.m. PT, I personally supervised Ms. Thomas in the filing of the
19 Motions. At that time, she had entered many file paths and document descriptions.
20 When she clicked SUBMIT, however, the CM/ECF system would inform her of an
21 error with one of the documents and require her to enter the complete set of file
22 paths and descriptions again.
- 23 4. I assisted Ms. Thomas at long intervals during the subsequent hours as she
24 repeated the process many times in an attempt to file both Motions. I observed the
25 many CM/ECF errors, each of which required Ms. Thomas to enter the complete
26 set of file paths and descriptions again.
- 27 5. Ms. Thomas informed me that, because of these technical issues with the CM/ECF
28 system, she did not complete the filing of the Motion to Exclude Testimony of

1 Catherine M. Lawton until 12:36 a.m. PT and the Motion for Summary Judgment
2 until 3:13 a.m. PT.

3 6. Ms. Thomas also informed me that, had she not encountered errors that required
4 her to repeat the process multiple times, both Motions would have been filed
5 before 11:59 p.m. PT. See Declaration of Tori Thomas.

6 7. The previous time modifications in this case are as follows:

- 7 a. The Claim Construction Technology Tutorial was rescheduled from
8 November 2, 2012, to November 7, 2012;
- 9 b. The Claim Construction Hearing was rescheduled from November 9, 2012,
10 to November 28, 2012;
- 11 c. The fact discovery deadline for Freescale to take the depositions of certain
12 MediaTek witness was extended from July 19, 2013, to August 16, 2013;
- 13 d. The deadline for motions to compel filed by Freescale related to issues
14 arising out of certain depositions of MediaTek witnesses from July 26,
15 2013, to August 23, 2013;
- 16 e. The deadline for initial expert disclosures and reports was extended from
17 August 2, 2013, to August 23, 2013;
- 18 f. The deadline for the rebuttal expert disclosures and reports was extended
19 from September 6, 2013, to September 27, 2013;
- 20 g. The deadline to complete fact discovery from non-party Motorola Mobility
21 LLC from July 19, 2013, to September 11, 2013, and then from
22 September 11, 2013, to October 11, 2013;
- 23 h. The deadline to file certain discovery letter briefs was extended for two
24 hours to 2:00 a.m. July 27, 2013;
- 25 i. The deadline to participate in mediation was extended from August 15,
26 2013, to September 30, 2013;

- j. The deadline to file certain revised Administrative Motions for Leave to File Under Seal Deposition Transcripts to parties' Joint Letter Briefs was extended from noon, August 23, 2013, to 2:00 p.m, August 26, 2013;
- k. The deadline to complete expert discovery was extended from September 27, 2013, to October 18, 2013, and then from October 18, 2013, to October 25, 2013;
- l. The deadline for dispositive and Daubert motions was extended from October 15, 2013 to October 29, 2013, and then from October 29, 2013, to November 5, 2013;
- m. The date for the Case Management Conference and Summary Judgment Pre-Filing Conference was reset on October 21, 2013;
- n. The Compliance Hearing regarding the Joint Pretrial Meet and Confer was rescheduled from January 3, 2014, to January 17, 2014 at 9:01 a.m.; the Joint Pretrial Conference Statement was rescheduled from January 10, 2014, to January 24, 2014; the final pretrial conference was rescheduled from January 24, 2014, to February 7, 2014; and the trial date and length was rescheduled from February 10, 2014, to February 24, 2014. See Dkt. Nos. 60, 61, 131, 174, 176, 208, 212, 262, 264, 281, and 291.

- 8. The proposed 3.5 hour modification in this Stipulated Request would have no effect on the procedural schedule. There are no other events in the procedural schedule that depend on this deadline. See Dkt. No. 291.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: November 8, 2013

/s/ Michelle Yang
Michelle Yang

ATTESTATION OF E-FILED SIGNATURE

I, Rudy Y. Kim, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has concurred in this filing.

Dated: November 12, 2013

/s/ Rudy Y. Kim

Rudy Y. Kim